

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WILLIAM F. WARD,
Plaintiff,

vs.

JOHN F. MOFFITT,
Defendant,

2:10-cv-139-JCM-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

This matter came before the Court for a status hearing on February 25, 2010, on an Application for Leave to Proceed *In Forma Pauperis* (#1)

The Court having reviewed the Application (#1) and the proposed complaint attached thereto and having heard the representations of the Plaintiff, makes the following findings:

1. Plaintiff's proposed complaint is based on an ADA claim seeking to sue his former landlord in California for an eviction.
2. Plaintiff, John F. Moffitt requests the Court dismiss this case. Good cause appearing therefore,

RECOMMENDATION

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be **DISMISSED WITH PREJUDICE.**

NOTICE

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court on or before

1 March 12, 2010. The Supreme Court has held that the courts of appeal may determine that an
2 appeal has been waived due to the failure to file objections within the specified time. Thomas v.
3 Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1)
4 failure to file objections within the specified time and (2) failure to properly address and brief the
5 objectionable issues waives the right to appeal the District Court's order and/or appeal factual
6 issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt
7 v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

8 DATED this 26th day of February, 2010.

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11 ROBERT J. JOHNSTON
12 United States Magistrate Judge
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